AMENDMENTS TO THE DRAWINGS

Proposed drawing changes are shown on the attached annotated marked up drawing and are incorporated within an attached proposed replacement sheets of drawings.

Attachment: Replacement Sheet(s)
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The drawings have been amended to add the "Prior Art" legend to Figures 1-2 as requested. In addition, the drawings have been otherwise "formalized".

Accordingly, all outstanding formal issues are now believed to have been resolved in the applicant's favor.

The rejection of claims 1, 2, 6-7 and 9 under 35 U.S.C. §102 as allegedly anticipated by Watanabe WO '622 is respectfully traversed.

The Examiner's attention is drawn to the attached English translation of Watanabe.

The Examiner alleges that Watanabe discloses an installation for terminating a network cable of a public communications network at customer premises. However, this does not appear to be the case.

Network termination is a term of art: "network termination equipment" (NTE) or "network termination point" (NTP) bridges the access network (external to a customer's premises) and the terminal equipment (or network) within the customer's premises. In legal terms, the NTP represents the point at which the access network operator's responsibility ends. Previous network NTE were located inside or outside the premises. In the UK, it is common for a cable from the external network enters the premises via a hole drilled through the wall, and is then terminated in a box located inside the premises.

Alternatively, the access network may be terminated at or near the exterior wall of the premises (which is common practice in the US). In both cases, the NTE is relatively bulky and susceptible to damage and vandalism. Certainly it is seldom pretty to look at.

The present invention is for a receptacle which facilities network termination mostly within the fabric of the wall of customers' premises. Preferably, this is installed at the time of the building construction, and becomes part of the building fabric (it may, for example, replace a house brick within a wall). Using the applicant's invention allows for the NTE to be hidden away and protected from harm.

The NTE may comprise a simple connection (as in the case for an NTE5 box as shown in Figure 2, offering a copper connection), or complex electronics modules for an optical connection as described on page 10 lines 10 to 12 of the specification. With more fibre now being provided to the home, it is anticipated that an increasing amount of complicated and fragile NTE would be used, a potential source of clutter which would be advantageously located out of harm's way.

In cases where the NTE is located within the premises, an important advantage of using the applicant's invention is that the network operator may access the parts of the NTE it is legally responsible for, without need to enter the premises. The problem of making appointments (and failing to keep them) is not trite, but one with considerable quantifiable cost in money terms as well as in terms of unhappy customers.

Watanabe describes "network devices" (8) for connecting an external optical fibre (5) to "an optical fibre or other network terminal" inside the premises. The interior

location of the "network terminal" is repeated throughout the specification and even in claim 1.

The Watanabe "network device" itself is described as comprising optical connector parts (6, 7 and 11, 12) which connect optical fibres (5, 16) respectively inside and outside the structure (which is a building) via a connector (comprising 9, 10, 14). The network device can be located within the through-hole, or in the vicinity of the through-hole. It is not stated in Watanabe that the network device serves to "terminate" the external network. Instead, it is consistently stated that it performs merely a connecting or signal transmitting function.

As such, Watanabe describes only a conventional network terminating arrangement where the NTE is located within the building, i.e. the access network is terminated not within the fabric of the wall, but outside of it. The Examiner's finding that the network device is the "termination means" of claim 1 is thus respectfully traversed.

Another point of distinction between applicant's claim 1 and Watanabe, is that the latter does not describe openable and closeable access apertures. Nowhere in Watanabe is it mentioned that the sealing member (4) permits access from outside of the structure. Indeed, the word "sealing" has a note of finality in it which suggests that the member would not typically or easily permit access to the inside of the through-hole after the sealing member has been inserted.

The Examiner's finding that the sleeve (3) of Watanabe is equivalent to the second closeable access aperture of e.g. claim 1, is simply wrong. Watanabe states on page 8

lines 6 to 7 that the sleeve is "disposed in the through-hole which links the inside and the outside of the room", and e.g. Figure 1 shows that this element cannot perform the function of allowing access to the inside of the through-hole. The feature of a closeable access aperture from the inside of the building is missing from Watanabe.

The connection created through the through-hole - including the optical fibre (16) leading to the network terminal NTE sited within the structure - is part of the external access network until it is terminated on the network terminal, which is located within the building. Thus the installation within the wall shown in e.g. Figure 1 of Watanabe is not an installation of e.g. applicant's claim 1 in the first instance. In any event, it lacks certain features covered in claim 1, as discussed above.

As will be well understood, it is <u>impossible</u>, as a matter of law, for a reference to anticipate any claim unless it teaches each and every feature of that claim. Given the several fundamental deficiencies of Watanabe already noted above with respect to applicant's independent claim 1, it is not believed necessary at this time to explain further deficiencies of Watanabe with respect to other features of the rejected claims.

The rejection of claims 1-10 under 35 U.S.C. §103 as allegedly being made "obvious" based on Mahony '641 in view of Tucker '671 is also respectfully traversed.

The Examiner may be aware that Watanabe fails to disclose or teach an NTE installation, as (Mahony) is also cited which describes how a fibre from the external network is terminated at an optical network terminal (126) at column 8 lines 25 and 26. However, this terminal is also located within the premises, as shown in Figure 1b. The

enclosure which the Examiner is apparently reviewing is the "fiber optic interface device" (122) described in column 14 line 28 onwards. As can be seen, this device is sited on the external wall of the premises, shown in Figure 1b.

The Examiner probably does not intend to refer to the fibre drops (120, 124), but perhaps to the ports (804, 806) as these are the elements which are sealable (column 14 lines 43 to 47). A better correspondence for the "closeable access aperture[s]" of e.g. claim 1 of the present application, is the "swinging, lockable door" (column 14 line 56). However, there seems to be only one such door disclosed in Mahony, so that the feature of the second closeable access aperture allowing access to the inside of the device housing (which does not in any case contain the termination means), is still missing.

Tucker is directed to wireless network access point enclosures. It does not provide the already noted material deficiencies of Mahony. Accordingly, it is not believed necessary at this time to discuss the additional deficiencies of this allegedly “obvious” combination of references with respect to other features of the rejected claims.

The rejection of claim 10 under 35 U.S.C. §103 as allegedly being made “obvious” based on Mahony/Tucker in further view of Romano ‘446 is also respectfully traversed.

Fundamental deficiencies of Mahony/Tucker have already been noted above with respect to parent claim 1. Romano does not supply the already noted deficiencies. Accordingly, it is not believed necessary at this time to explain further deficiencies of this allegedly “obvious” combination of three references.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678

Formalize

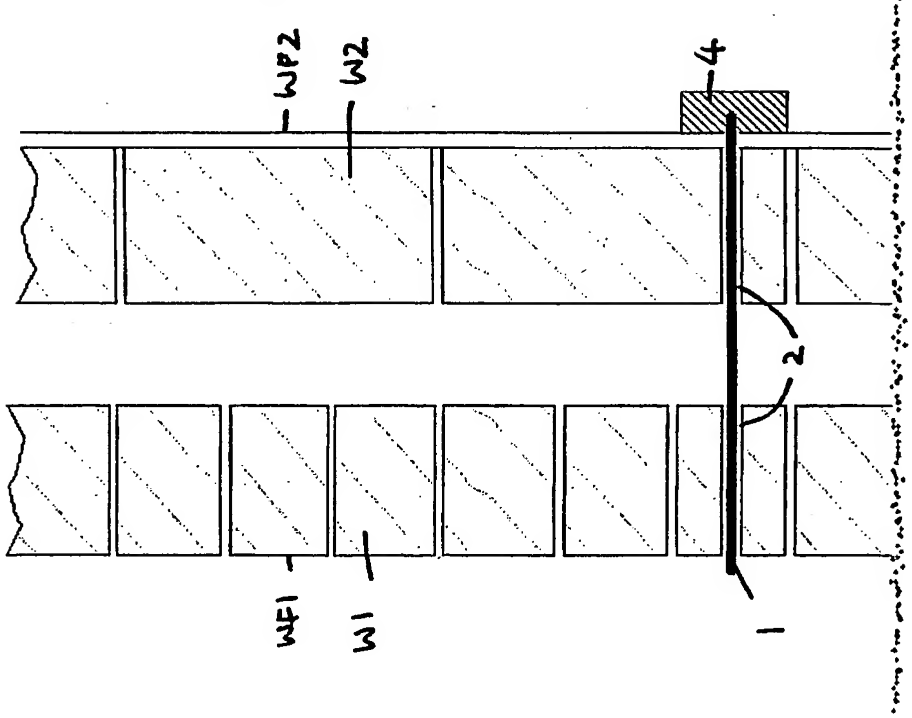
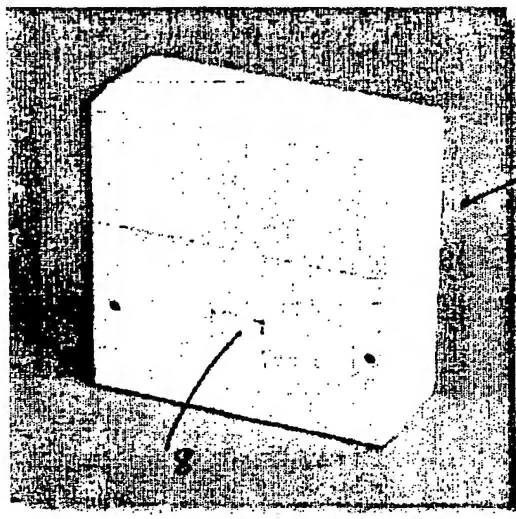


FIGURE 1
(PRIOR ART)

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678

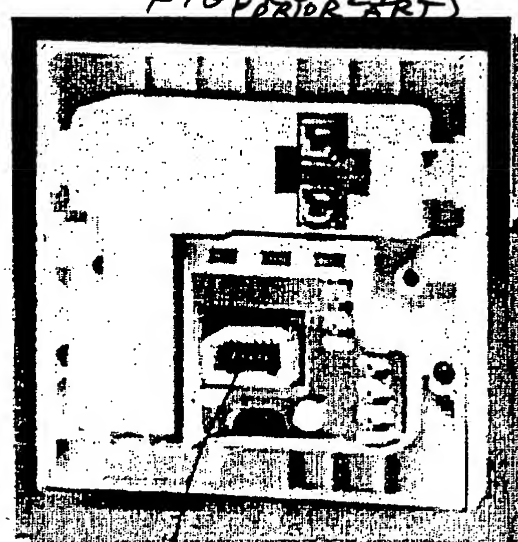
FIGURE 2 A
(PRIOR ART)

Clean up



formalize

FIGURE 2B
(PRIOR ART)



ANNOTATED MARKED UP DRAWINGS
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Formalize

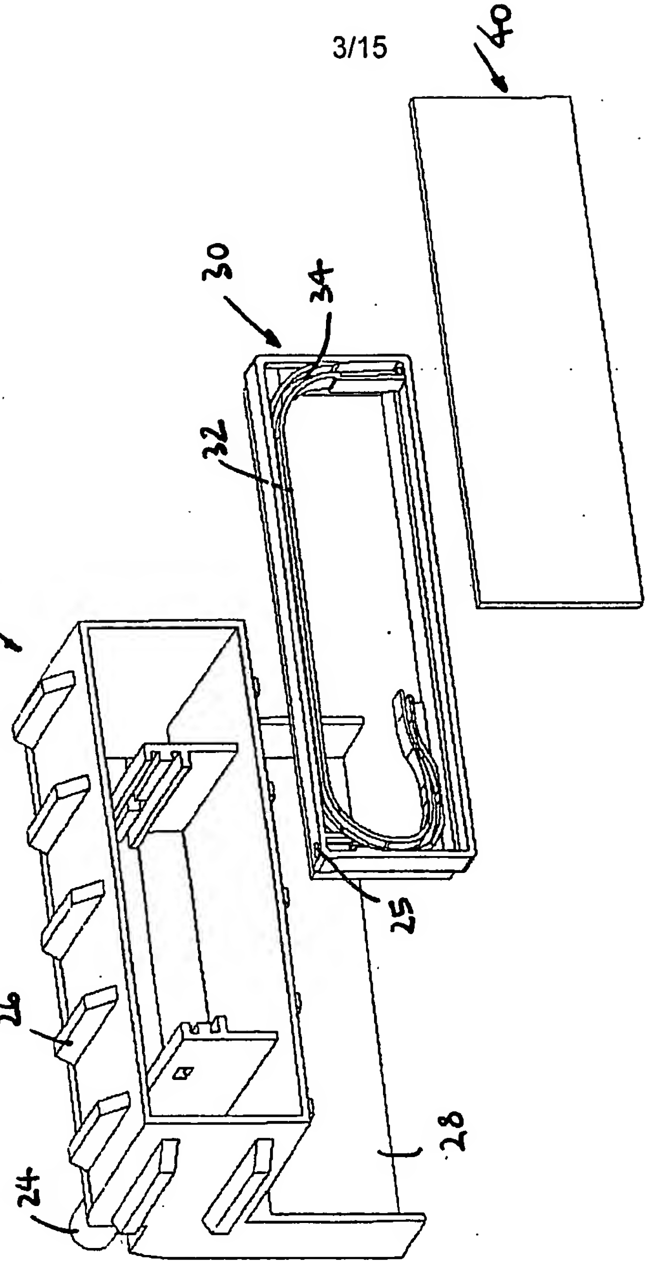
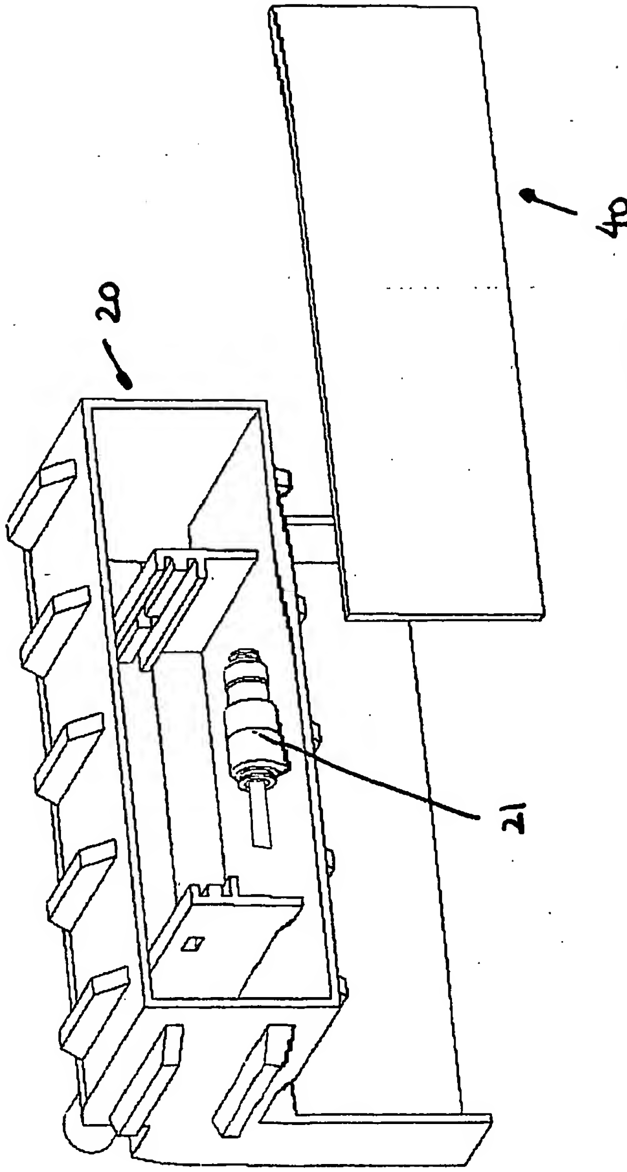


FIGURE 3

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678



Formalize

FIGURE 4

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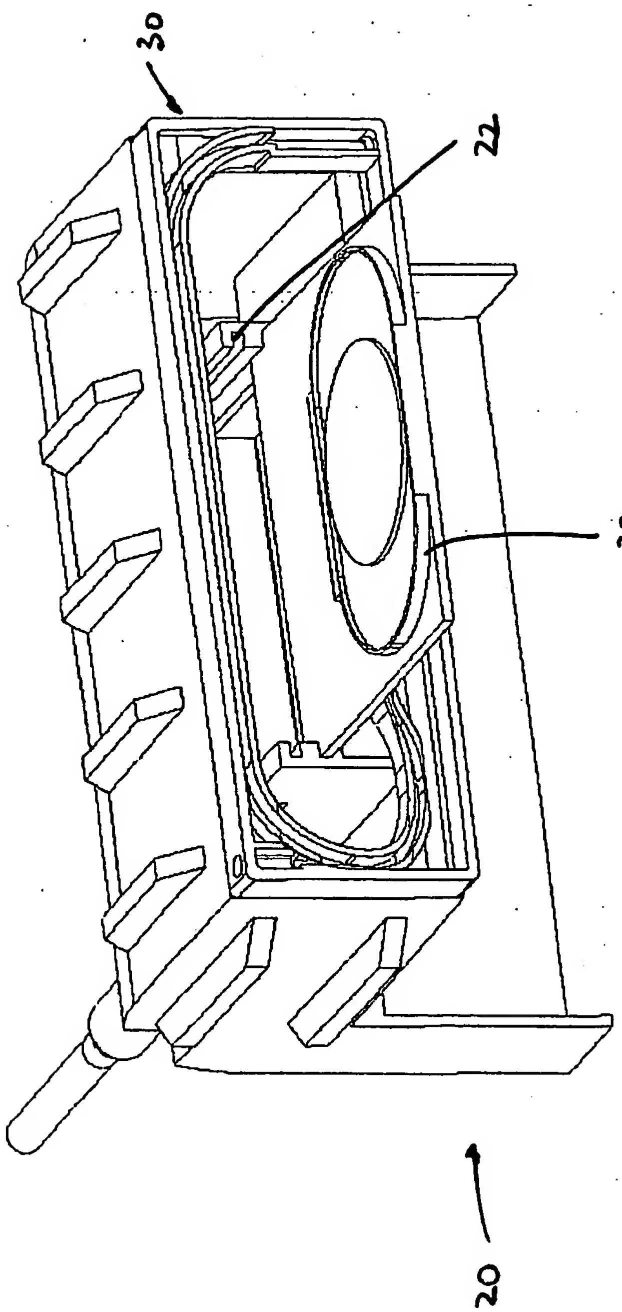
FOR SN 10/594,678



formalize

FIGURE 5A

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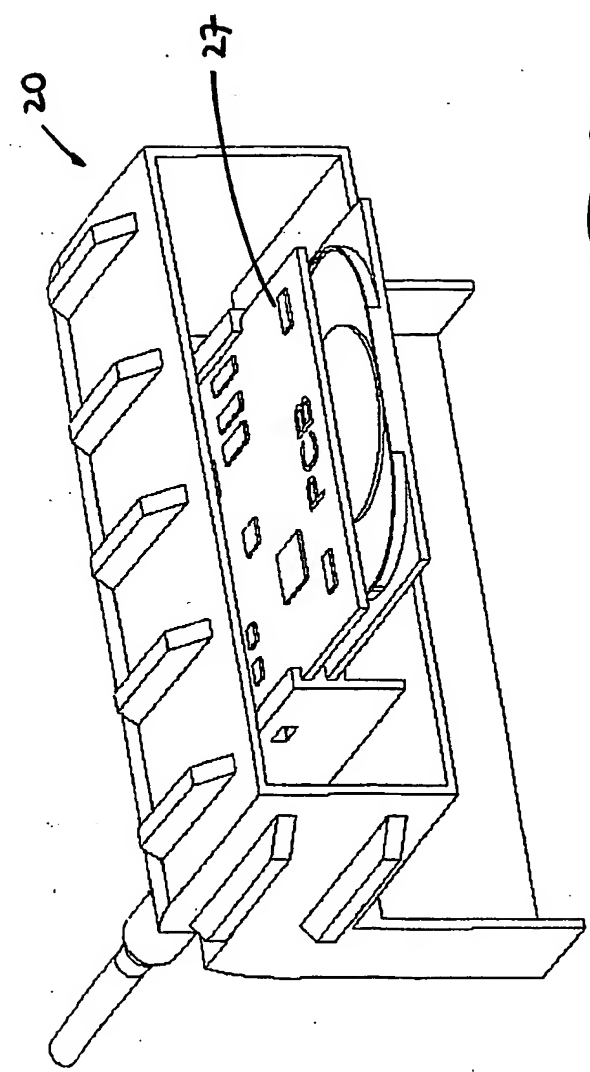
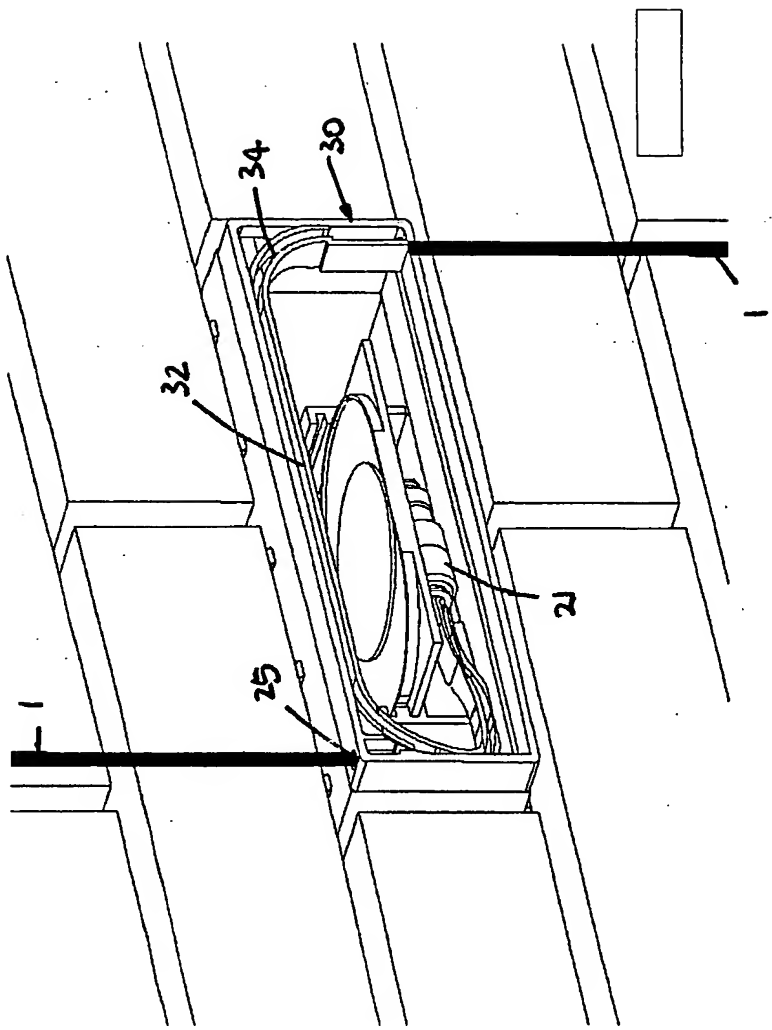
FOR SN 10/594,678



Formalize

FIGURE 5B

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678



formalize

FIGURE 6

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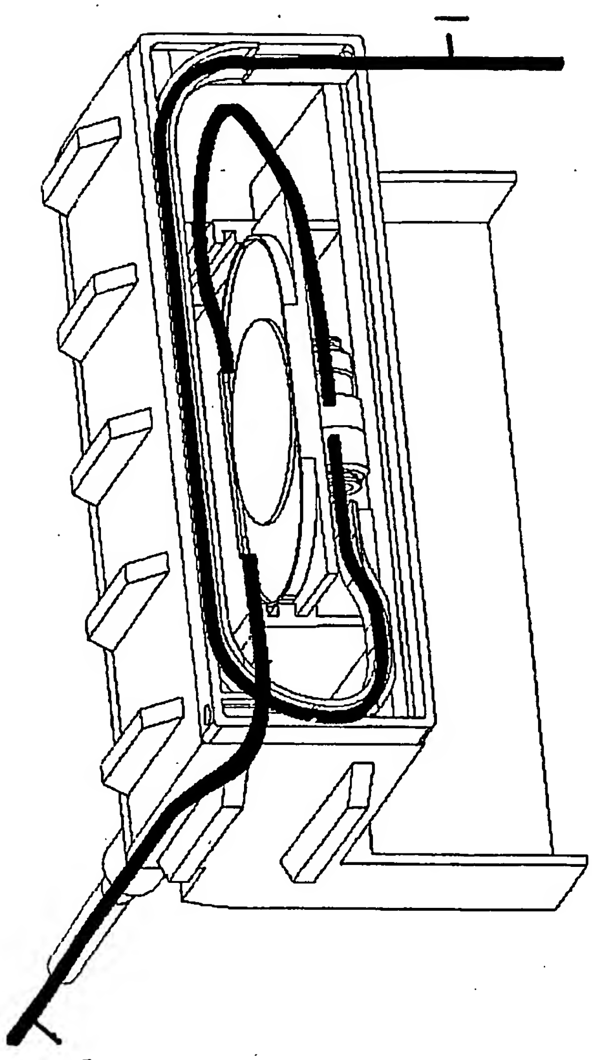
FOR SN 10/594,678



formalize

FIGURE 7A

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678

formalize

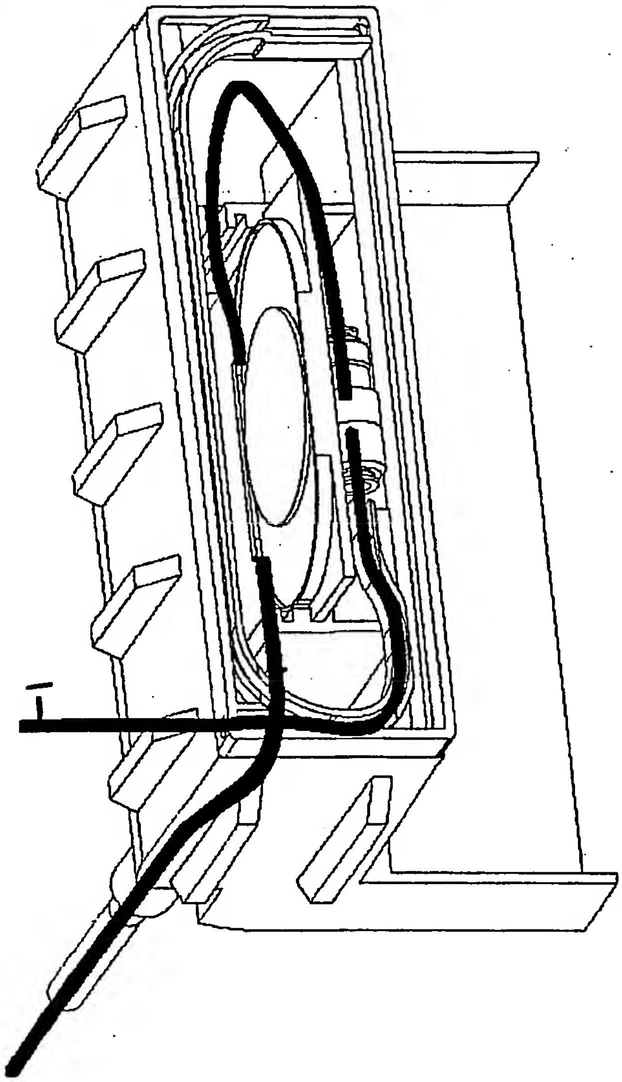


FIGURE 7B

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678

Formalize

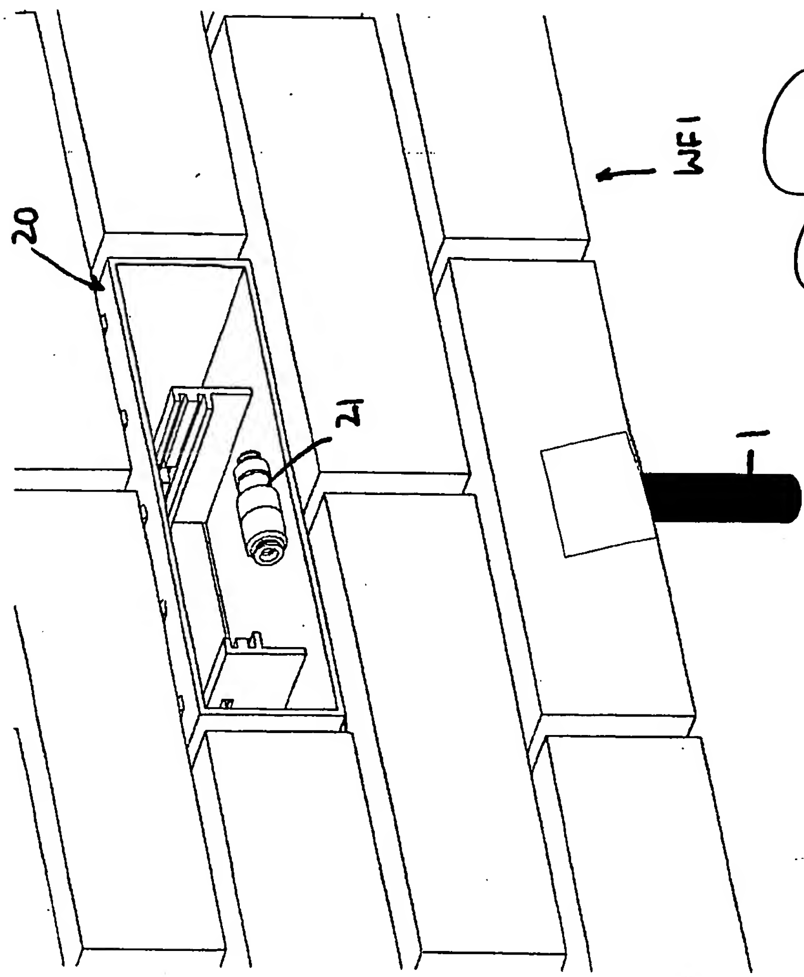


FIGURE 8

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FOR SN 10/594,678

formalize

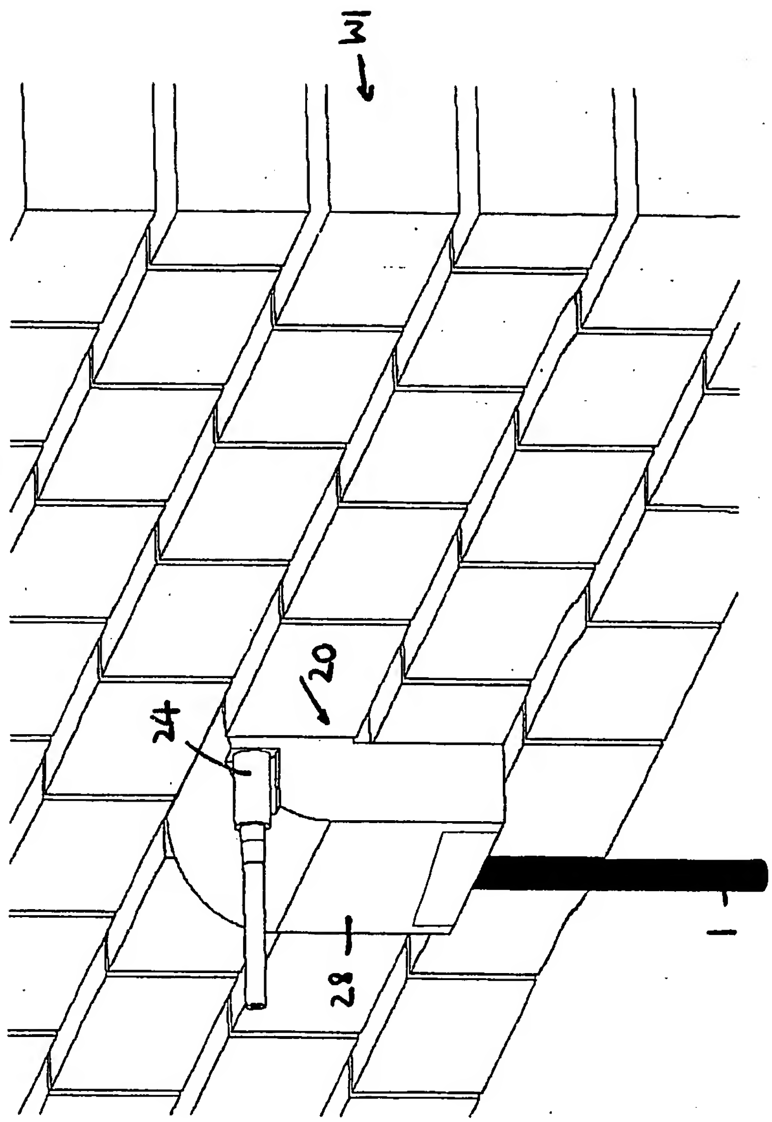

FIGURE 9

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Formalize

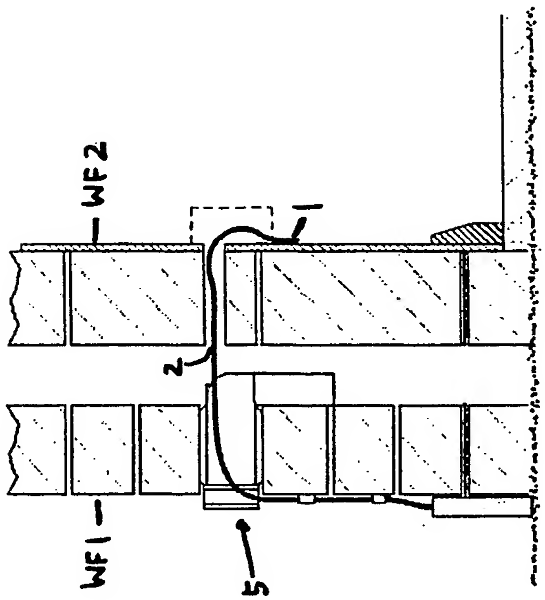

FIGURE 10B

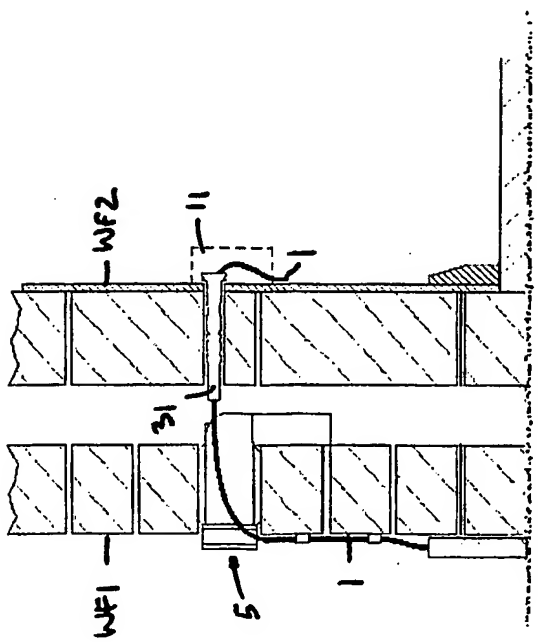

FIGURE 10A

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678

formalize

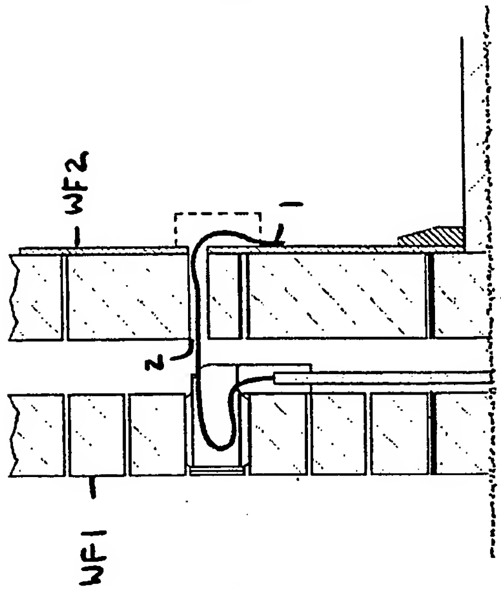

FIGURE 11B

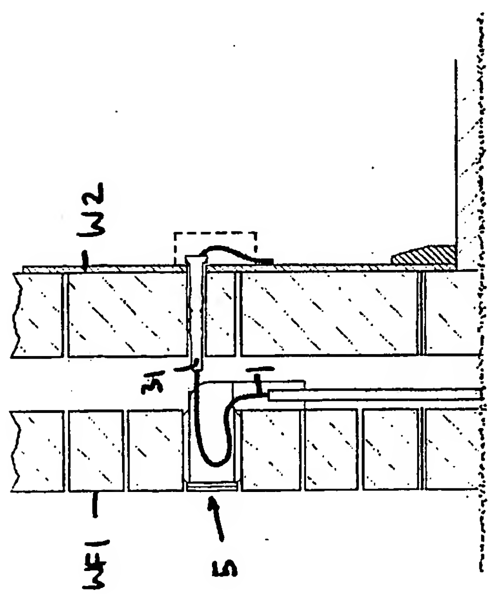

FIGURE 11A

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14/15

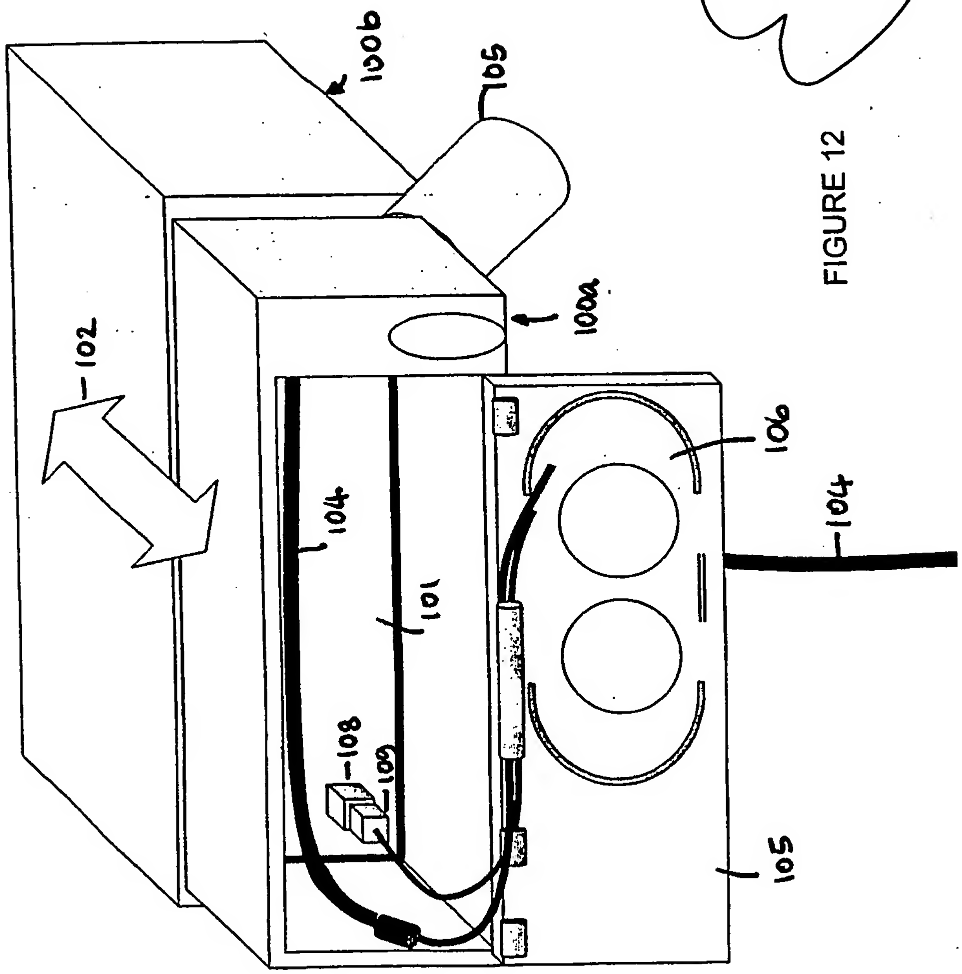

FIGURE 12

ANNOTATED MARKED UP DRAWINGS
FOR SN 10/594,678

formalize

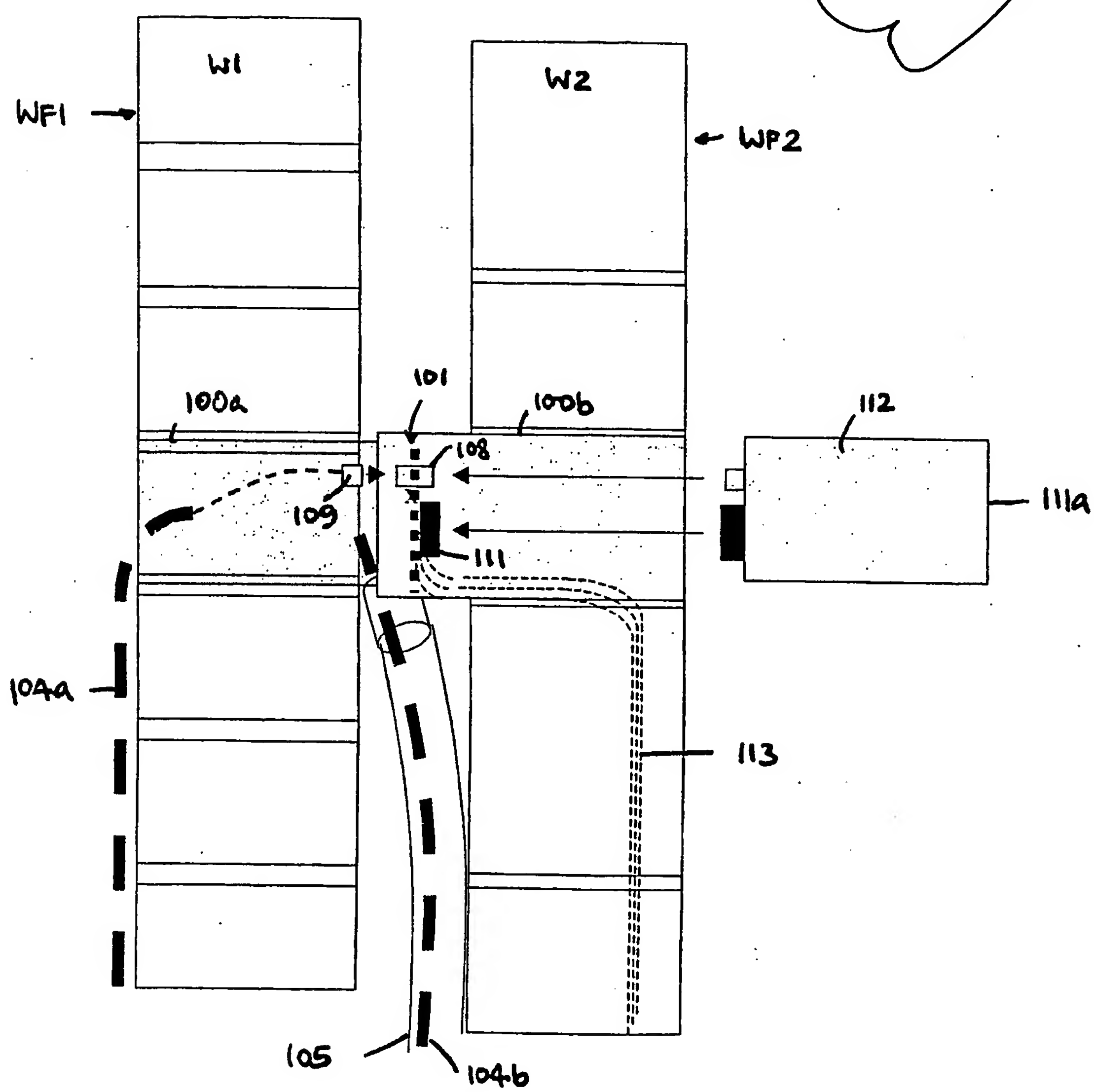

FIGURE 13